

Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



November 20, 2013

Deputy Amber Smith, #[redacted]

Dear Deputy Smith:

You are hereby notified that the below listed violations in this case are founded, but there will not be any discipline imposed.

An investigation under IAB File Number 2344488, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents), on or about August 29, 2012, while on duty, you failed to conform to the work standards established for your position as a deputy sheriff assigned to patrol, when you failed to employ sound tactical principles and engage a threat in the safest manner during a tactical incident which evolved into a deputy involved shooting as evidenced by, but not limited to:

   a. failing to communicate to, and plan contingencies with your partner knowing that the men you were planning to engage in a traffic stop were identified as drug traffickers; and/or,

   b. failing to select a safe location to conduct a traffic stop that minimized the public's exposure to police activity and decreased deputy personnel's exposure to other hazards; and/or,

c. failing to properly recognize and assess the threat represented by the suspects in the vehicle, or lack thereof, when conducting a traffic stop of two men who were identified as drug traffickers; and/or,

d. failing to use tactical options which could have limited or minimized the potential for deputy created jeopardy.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding. If, however, you are currently on some type of authorized leave, or are otherwise incapacitated or unavailable, you may opt to contact your unit commander, in writing, and request that this matter be held in abeyance until such time as you are released by your physician, or are able to return to work.

Failure to respond to this Letter within ten (10) business days will be considered a waiver of your right to grieve.

At the time of service of this letter, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Jacqueline Powell, of Internal Affairs Bureau, at (323) 890-5311, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Eddie Rivero, Captain
Carson Station

ER:CMJ:cj

c: Advocacy Unit
Employee Relations Unit
Chief Michael J. Rothans, South Patrol Divison
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2344488)

I certify that on the date indicated below, I received the original of the attached **LETTER** under File Number ***IAB 2344488.***

11/20/13
Date

AMBER SMITH, #[redacted]

I certify that on the date indicated below, I served the original Letter to ***AMBER SMITH.***

11/20/13
Date

WITNESS SIGNATURE

Jeffrey C. Adams
WITNESS PRINT

Please return this page within two (2) business days to:

INTERNAL AFFAIRS BUREAU
JACQUELINE POWELL
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5311



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



November 20, 2013

Deputy Clayton Stelter, #[redacted]
[redacted]

Dear Deputy Stelter:

You are hereby notified that the below listed violations in this case are founded, but there will not be any discipline imposed.

An investigation under IAB File Number 2344488, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents), on or about August 29, 2012, while on duty, you failed to conform to the work standards established for your position as a deputy sheriff assigned to patrol, when you failed to employ sound tactical principles and engage a threat in the safest manner during a tactical incident which evolved into a deputy involved shooting as evidenced by, but not limited to:

   a. failing to communicate to, and plan contingencies with your partner knowing that the men you were planning to engage in a traffic stop were identified as drug traffickers; and/or,

   b. failing to select a safe location to conduct a traffic stop that minimized the public's exposure to police activity and decreased deputy personnel's exposure to other hazards; and/or,

c. failing to properly recognize and assess the threat represented by the suspects in the vehicle, or lack thereof, when conducting a traffic stop of two men who were identified as drug traffickers; and/or,

d. failing to use tactical options which could have limited or minimized the potential for deputy created jeopardy.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding. If, however, you are currently on some type of authorized leave, or are otherwise incapacitated or unavailable, you may opt to contact your unit commander, in writing, and request that this matter be held in abeyance until such time as you are released by your physician, or are able to return to work.

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Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Eddie Rivero, Captain
Carson Station

ER:CMJ:cj



c: Advocacy Unit
Employee Relations Unit
Chief Michael J. Rothans, South Patrol Divison
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2344488)

I certify that on the date indicated below, I received the original of the attached **LETTER** under File Number ***IAB 2344488.***

11-20-13

Date

CLAYTON STELTER, #[redacted]

I certify that on the date indicated below, I served the original Letter to ***CLAYTON STELTER.***

11-20-13

Date

WITNESS SIGNATURE

JEFFREY C ALVAREZ

WITNESS PRINT

Please return this page within two (2) business days to:

INTERNAL AFFAIRS BUREAU
JACQUELINE POWELL
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5311

DISPOSITION WORKSHEET

Re: IAB IV 2344488
Subject: Amber Smith #[redacted]
Investigator: Brenda Gibson, Internal Affairs Bureau
Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents), on or about August 29, 2012, while on duty Subject Smith failed to conform to the work standards established for her position as a deputy sheriff assigned to patrol, when she failed to employ sound tactical principles and cngage a threat in the safest manner during a tactical incident which evolved into a deputy involved shooting as evidenced by, but not limited to the following:

    a. failing to communicate to, and plan contingencies with her partner knowing that the men you were planning to engage in a traffic stop were identified as drug traffickers; and/or,

    b. failing to select a safe location to conduct a traffic stop that minimized the public's exposure to police activity and decreased deputy personnel's exposure to other hazards; and/or,

    c. failing to properly recognize and assess the threat represented by the suspects in the vehicle, or lack thereof, when conducting a traffic stop of two men who were identified as drug traffickers; and/or,

    d. failing to use tactical options which could have limited or minimized the potential for deputy created jeopardy.

Evidence Reference:

Defenses/Conflicting Evidence:

Disposition:

_X_ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Performance to Standards	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_____ **Suspension with loss of pay and benefits for ____ days**
_____ **Written Reprimand**
_X_ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

DISPOSITION WORKSHEET

Re: IAB IV 2344488
Subject: Clayton Stelter #[redacted]
Investigator: Brenda Gibson, Internal Affairs Bureau
Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents), on or about August 29, 2012, while on duty Subject Stelter failed to conform to the work standards established for his position as a deputy sheriff assigned to patrol, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical incident which evolved into a deputy involved shooting as evidenced by, but not limited to the following:

    a. failing to communicate to, and plan contingencies with his partner knowing that the men you were planning to engage in a traffic stop were identified as drug traffickers; and/or,

    b. failing to select a safe location to conduct a traffic stop that minimized the public's exposure to police activity and decreased deputy personnel's exposure to other hazards; and/or,

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Evidence Reference:

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Degree of Culpability	Acceptance of Responsibility
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Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: November 6, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2319638/IV2344488
Incident:	Hit Shooting
Incident Date:	August 29, 2012
Unit:	Carson Station
Suspects:	Juan C. Alamo-Perales, MH/03-26-84 Ramon Flores, MH/03-16-86
Involved Employees:	Deputy Amber Smith, #[redacted] Deputy Clayton Stelter, #[redacted]
EFRC Date:	October 31, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Narcotics detectives set up an undercover surveillance of the area of Anaheim Street/Santa Fe Avenue in Long Beach in search of two male Hispanic suspects headed to the area to sell a pound of methamphetamine to a Confidential Reliable Informant (CRI). The suspects were in a black Ford Ranger pickup truck with lawn mowers and other gardening supplies in the bed of the truck.

One of the detectives located the suspects in the area and contacted the watch commander at Carson Station to request assistance in conducting a "wall" traffic stop. Deputies assigned to the Community Oriented Policing Team responded to assist.

The detective met the deputies in the vicinity and briefed them about the investigation. During the briefing, fellow narcotics investigators advised the detective the suspects were conducting counter surveillance movements. He ended the briefing and looked for the suspects.

The detective and deputies saw the suspects travelling southbound on Santa Fe Avenue approaching Anaheim Street. The deputies pulled behind the vehicle and prepared to conduct a traffic stop for a vehicle code violation. The detective was travelling northbound on Santa Fe Avenue at the time and continued northbound to eastbound on Cowles Street and out of view.

The suspects' vehicle was stopped at the corner of Anaheim Street/Santa Fe Avenue as the deputies pulled their patrol car behind the suspects' vehicle. The deputies activated the overhead lights and air horn while instructing the driver of the suspects' vehicle to pull the vehicle over to the right via the patrol car's public address (PA) system. The driver suspect immediately turned the vehicle to the left, partially entering the number one lane, thus boxing himself in between the car in front of him and the radio car behind.

Based on the suspects' actions, the deputies believed the suspects were going to flee the scene. Therefore, they exited the patrol car and approached the suspects' vehicle with their weapons drawn. One of the deputies approached on the driver's side and ordered the driver suspect at least three times to put his hands up on the steering wheel, but he would not comply. The other deputy approached on the passenger's side and ordered the passenger suspect at least twice to put his hands up on the dashboard, but he would not comply.

The driver side deputy could not see the driver suspect's right hand after he dropped it out of her view and attempted to exit the vehicle by opening the door with his left hand. Believing the suspect was arming himself and about to shoot her, the deputy fired three rounds from her weapon striking the suspect twice; once in his left upper chest and once in his right inner thigh.

The passenger deputy believing the driver suspect was shooting at his partner, fired five rounds from his duty weapon at the suspect, striking the suspects' vehicle as he retreated to the radio car for cover. The driver side deputy also retreated to the radio car for cover. She then put out emergency traffic over the radio advising that they were involved in a shooting. Both suspects exited the vehicle.

Narcotics detectives arrived at the scene within seconds. The deputies ordered the suspects to get their hands up, but they did not comply. One of the detectives ordered the suspects, in Spanish, to lay down on the ground, face down with their hands out. The suspects did not comply. The detective ordered them to comply again, but this time his commands were more aggressive. The passenger suspect complied, but the driver suspect did not at first. The detective had to order the suspect to get down again before he actually got down on the ground onto his stomach. Both suspects were handcuffed without further incident.

Long Beach City Fire Department treated the injured suspect and transported him to Saint Mary's Medical Center for additional treatment. None of the deputies were injured.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used by the deputies were out of Department policy.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy Clayton Stelter was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents), on or about August 29, 2012, while on duty Deputy Stelter failed to conform to the work standards established for his position as a deputy sheriff assigned to patrol, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical incident which evolved into a deputy involved shooting as evidenced by, but not limited to the following:

a. failing to communicate to, and plan contingencies with his partner knowing that the men you were planning to engage in a traffic stop were identified as drug traffickers; and/or,

b. failing to select a safe location to conduct a traffic stop that minimized the public's exposure to police activity and decreased deputy personnel's exposure to other hazards; and/or,

c. failing to properly recognize and assess the threat represented by the suspects in the vehicle, or lack thereof, when conducting a traffic stop of two men who were identified as drug traffickers; and/or,

d. failing to use tactical options which could have limited or minimized the potential for deputy created jeopardy.

RECOMMENDATIONS:

Based on the totality of the circumstances, the EFRC recommended Deputy Clayton Stelter #[redacted], receive **no discipline**. The EFRC also recommended Deputy Stelter attend the eight-hour Tactics and Survival training (TAS-I).

Additionally, the EFRC recommended the unit commander, Captain Eddie Rivero, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. The debriefing is to include the issue of "wall" traffic stops and the importance of having a supervisor present during the pre-planning of the stop.

Lastly, the EFRC recommended the Field Operations Support Services staff update the existing Field Operations Directive #02-01 to ensure a supervisor be present during the pre-planning stage of a "wall" traffic stop.

BDD:JER:jer

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 6, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2319638/IV2344488
Incident:	Hit Shooting
Incident Date:	August 29, 2012
Unit:	Carson Station
Suspects:	Juan C. Alamo-Perales, MH/03-26-84 Ramon Flores, MH/03-16-86
Involved Employees:	Deputy Amber Smith, #[redacted] Deputy Clayton Stelter, #[redacted]
EFRC Date:	October 31, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Narcotics detectives set up an undercover surveillance of the area of Anaheim Street/Santa Fe Avenue in Long Beach in search of two male Hispanic suspects headed to the area to sell a pound of methamphetamine to a Confidential Reliable Informant (CRI). The suspects were in a black Ford Ranger pickup truck with lawn mowers and other gardening supplies in the bed of the truck.

One of the detectives located the suspects in the area and contacted the watch commander at Carson Station to request assistance in conducting a "wall" traffic stop. Deputies assigned to the Community Oriented Policing Team responded to assist.

The detective met the deputies in the vicinity and briefed them about the investigation. During the briefing, fellow narcotics investigators advised the detective the suspects were conducting counter surveillance movements. He ended the briefing and looked for the suspects.

The detective and deputies saw the suspects travelling southbound on Santa Fe Avenue approaching Anaheim Street. The deputies pulled behind the vehicle and prepared to conduct a traffic stop for a vehicle code violation. The detective was travelling northbound on Santa Fe Avenue at the time and continued northbound to eastbound on Cowles Street and out of view.

The suspects' vehicle was stopped at the corner of Anaheim Street/Santa Fe Avenue as the deputies pulled their patrol car behind the suspects' vehicle. The deputies activated the overhead lights and air horn while instructing the driver of the suspects' vehicle to pull the vehicle over to the right via the patrol car's public address (PA) system. The driver suspect immediately turned the vehicle to the left, partially entering the number one lane, thus boxing himself in between the car in front of him and the radio car behind.

Based on the suspects' actions, the deputies believed the suspects were going to flee the scene. Therefore, they exited the patrol car and approached the suspects' vehicle with their weapons drawn. One of the deputies approached on the driver's side and ordered the driver suspect at least three times to put his hands up on the steering wheel, but he would not comply. The other deputy approached on the passenger's side and ordered the passenger suspect at least twice to put his hands up on the dashboard, but he would not comply.

The driver side deputy could not see the driver suspect's right hand after he dropped it out of her view and attempted to exit the vehicle by opening the door with his left hand. Believing the suspect was arming himself and about to shoot her, the deputy fired three rounds from her weapon striking the suspect twice; once in his left upper chest and once in his right inner thigh.

The passenger deputy believing the driver suspect was shooting at his partner, fired five rounds from his duty weapon at the suspect, striking the suspects' vehicle as he retreated to the radio car for cover. The driver side deputy also retreated to the radio car for cover. She then put out emergency traffic over the radio advising that they were involved in a shooting. Both suspects exited the vehicle.

Narcotics detectives arrived at the scene within seconds. The deputies ordered the suspects to get their hands up, but they did not comply. One of the detectives ordered the suspects, in Spanish, to lay down on the ground, face down with their hands out. The suspects did not comply. The detective ordered them to comply again, but this time his commands were more aggressive. The passenger suspect complied, but the driver suspect did not at first. The detective had to order the suspect to get down again before he actually got down on the ground onto his stomach. Both suspects were handcuffed without further incident.

Long Beach City Fire Department treated the injured suspect and transported him to Saint Mary's Medical Center for additional treatment. None of the deputies were injured.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used by the deputies were out of Department policy.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy Amber Smith were in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents), on or about August 29, 2012, while on duty Deputy Smith failed to conform to the work standards established for her position as a deputy sheriff assigned to patrol, when she failed to employ sound tactical principles and engage a threat in the safest manner during a tactical incident which evolved into a deputy involved shooting as evidenced by, but not limited to the following:

a. failing to communicate to, and plan contingencies with her partner knowing that the men you were planning to engage in a traffic stop were identified as drug traffickers; and/or,

b. failing to select a safe location to conduct a traffic stop that minimized the public's exposure to police activity and decreased deputy personnel's exposure to other hazards; and/or,

c. failing to properly recognize and assess the threat represented by the suspects in the vehicle, or lack thereof, when conducting a traffic stop of two men who were identified as drug traffickers; and/or,

d. failing to use tactical options which could have limited or minimized the potential for deputy created jeopardy.

RECOMMENDATIONS:

Based on the totality of the circumstances, the EFRC recommended Deputy Amber Smith #[redacted] receive **no discipline**. The EFRC also recommended Deputy Smith attend the eight-hour Tactics and Survival training (TAS-I).

Additionally, the EFRC recommended the unit commander, Captain Eddie Rivero, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. The debriefing is to include the issue of "wall" traffic stops and the importance of having a supervisor present during the pre-planning of the stop.

Lastly, the EFRC recommended the Field Operations Support Services staff update the existing Field Operations Directive #02-01 to ensure a supervisor be present during the pre-planning stage of a "wall" traffic stop.

BDD:JER:jer

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: November 6, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: EDDIE RIVERO, CAPTAIN
CARSON STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2319638/IV2344488
Incident:	Hit Shooting
Incident Date:	August 29, 2012
Unit:	Carson Station
Suspects:	Juan C. Alamo-Perales, MH/03-26-84 Ramon Flores, MH/03-16-86
Involved Employees:	Deputy Amber Smith, #[redacted] Deputy Clayton Stelter, #[redacted]
EFRC Date:	October 31, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Narcotics detectives set up an undercover surveillance of the area of Anaheim Street/Santa Fe Avenue in Long Beach in search of two male Hispanic suspects headed to the area to sell a pound of methamphetamine to a Confidential Reliable Informant (CRI). The suspects were in a black Ford Ranger pickup truck with lawn mowers and other gardening supplies in the bed of the truck.

One of the detectives located the suspects in the area and contacted the watch commander at Carson Station to request assistance in conducting a "wall" traffic stop. Deputies assigned to the Community Oriented Policing Team responded to assist.

The detective met the deputies in the vicinity and briefed them about the investigation. During the briefing, fellow narcotics investigators advised the detective the suspects were conducting counter surveillance movements. He ended the briefing and looked for the suspects.

The detective and deputies saw the suspects travelling southbound on Santa Fe Avenue approaching Anaheim Street. The deputies pulled behind the vehicle and prepared to conduct a traffic stop for a vehicle code violation. The detective was travelling northbound on Santa Fe Avenue at the time and continued northbound to eastbound on Cowles Street and out of view.

The suspects' vehicle was stopped at the corner of Anaheim Street/Santa Fe Avenue as the deputies pulled their patrol car behind the suspects' vehicle. The deputies activated the overhead lights and air horn while instructing the driver of the suspects' vehicle to pull the vehicle over to the right via the patrol car's public address (PA) system. The driver suspect immediately turned the vehicle to the left, partially entering the number one lane, thus boxing himself in between the car in front of him and the radio car behind.

Based on the suspects' actions, the deputies believed the suspects were going to flee the scene. Therefore, they exited the patrol car and approached the suspects' vehicle with their weapons drawn. One of the deputies approached on the driver's side and ordered the driver suspect at least three times to put his hands up on the steering wheel, but he would not comply. The other deputy approached on the passenger's side and ordered the passenger suspect at least twice to put his hands up on the dashboard, but he would not comply.

The driver side deputy could not see the driver suspect's right hand after he dropped it out of her view and attempted to exit the vehicle by opening the door with his left hand. Believing the suspect was arming himself and about to shoot her, the deputy fired three rounds from her weapon striking the suspect twice; once in his left upper chest and once in his right inner thigh.

The passenger deputy believing the driver suspect was shooting at his partner, fired five rounds from his duty weapon at the suspect, striking the suspects' vehicle as he retreated to the radio car for cover. The driver side deputy also retreated to the radio car for cover. She then put out emergency traffic over the radio advising that they were involved in a shooting. Both suspects exited the vehicle.

Narcotics detectives arrived at the scene within seconds. The deputies ordered the suspects to get their hands up, but they did not comply. One of the detectives ordered the suspects, in Spanish, to lay down on the ground, face down with their hands out. The suspects did not comply. The detective ordered them to comply again, but this time his commands were more aggressive. The passenger suspect complied, but the driver suspect did not at first. The detective had to order the suspect to get down again before he actually got down on the ground onto his stomach. Both suspects were handcuffed without further incident.

Long Beach City Fire Department treated the injured suspect and transported him to Saint Mary's Medical Center for additional treatment. None of the deputies were injured.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used by the deputies were out of Department policy.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy Clayton Stelter was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents), on or about August 29, 2012, while on duty Deputy Stelter failed to conform to the work standards established for his position as a deputy sheriff assigned to patrol, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical incident which evolved into a deputy involved shooting as evidenced by, but not limited to the following:

a. failing to communicate to, and plan contingencies with his partner knowing that the men you were planning to engage in a traffic stop were identified as drug traffickers; and/or,

b. failing to select a safe location to conduct a traffic stop that minimized the public's exposure to police activity and decreased deputy personnel's exposure to other hazards; and/or,

c. failing to properly recognize and assess the threat represented by the suspects in the vehicle, or lack thereof, when conducting a traffic stop of two men who were identified as drug traffickers; and/or,

d. failing to use tactical options which could have limited or minimized the potential for deputy created jeopardy.

RECOMMENDATIONS:

Based on the totality of the circumstances, the EFRC recommended Deputy Clayton Stelter #[redacted], receive **no discipline**. The EFRC also recommended Deputy Stelter attend the eight-hour Tactics and Survival training (TAS-I).

Additionally, the EFRC recommended the unit commander, Captain Eddie Rivero, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. The debriefing is to include the issue of "wall" traffic stops and the importance of having a supervisor present during the pre-planning of the stop.

Lastly, the EFRC recommended the Field Operations Support Services staff update the existing Field Operations Directive #02-01 to ensure a supervisor be present during the pre-planning stage of a "wall" traffic stop.

BDD:JER:jer

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: November 6, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: EDDIE RIVERO, CAPTAIN
CARSON STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2319638/IV2344488
Incident:	Hit Shooting
Incident Date:	August 29, 2012
Unit:	Carson Station
Suspects:	Juan C. Alamo-Perales, MH/03-26-84 Ramon Flores, MH/03-16-86
Involved Employees:	Deputy Amber Smith, #[redacted] Deputy Clayton Stelter, #[redacted]
EFRC Date:	October 31, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Narcotics detectives set up an undercover surveillance of the area of Anaheim Street/Santa Fe Avenue in Long Beach in search of two male Hispanic suspects headed to the area to sell a pound of methamphetamine to a Confidential Reliable Informant (CRI). The suspects were in a black Ford Ranger pickup truck with lawn mowers and other gardening supplies in the bed of the truck.

One of the detectives located the suspects in the area and contacted the watch commander at Carson Station to request assistance in conducting a "wall" traffic stop. Deputies assigned to the Community Oriented Policing Team responded to assist.

The detective met the deputies in the vicinity and briefed them about the investigation. During the briefing, fellow narcotics investigators advised the detective the suspects were conducting counter surveillance movements. He ended the briefing and looked for the suspects.

The detective and deputies saw the suspects travelling southbound on Santa Fe Avenue approaching Anaheim Street. The deputies pulled behind the vehicle and prepared to conduct a traffic stop for a vehicle code violation. The detective was travelling northbound on Santa Fe Avenue at the time and continued northbound to eastbound on Cowles Street and out of view.

The suspects' vehicle was stopped at the corner of Anaheim Street/Santa Fe Avenue as the deputies pulled their patrol car behind the suspects' vehicle. The deputies activated the overhead lights and air horn while instructing the driver of the suspects' vehicle to pull the vehicle over to the right via the patrol car's public address (PA) system. The driver suspect immediately turned the vehicle to the left, partially entering the number one lane, thus boxing himself in between the car in front of him and the radio car behind.

Based on the suspects' actions, the deputies believed the suspects were going to flee the scene. Therefore, they exited the patrol car and approached the suspects' vehicle with their weapons drawn. One of the deputies approached on the driver's side and ordered the driver suspect at least three times to put his hands up on the steering wheel, but he would not comply. The other deputy approached on the passenger's side and ordered the passenger suspect at least twice to put his hands up on the dashboard, but he would not comply.

The driver side deputy could not see the driver suspect's right hand after he dropped it out of her view and attempted to exit the vehicle by opening the door with his left hand. Believing the suspect was arming himself and about to shoot her, the deputy fired three rounds from her weapon striking the suspect twice; once in his left upper chest and once in his right inner thigh.

The passenger deputy believing the driver suspect was shooting at his partner, fired five rounds from his duty weapon at the suspect, striking the suspects' vehicle as he retreated to the radio car for cover. The driver side deputy also retreated to the radio car for cover. She then put out emergency traffic over the radio advising that they were involved in a shooting. Both suspects exited the vehicle.

Narcotics detectives arrived at the scene within seconds. The deputies ordered the suspects to get their hands up, but they did not comply. One of the detectives ordered the suspects, in Spanish, to lay down on the ground, face down with their hands out. The suspects did not comply. The detective ordered them to comply again, but this time his commands were more aggressive. The passenger suspect complied, but the driver suspect did not at first. The detective had to order the suspect to get down again before he actually got down on the ground onto his stomach. Both suspects were handcuffed without further incident.

Long Beach City Fire Department treated the injured suspect and transported him to Saint Mary's Medical Center for additional treatment. None of the deputies were injured.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used by the deputies were out of Department policy.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy Amber Smith were in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents), on or about August 29, 2012, while on duty Deputy Smith failed to conform to the work standards established for her position as a deputy sheriff assigned to patrol, when she failed to employ sound tactical principles and engage a threat in the safest manner during a tactical incident which evolved into a deputy involved shooting as evidenced by, but not limited to the following:

a. failing to communicate to, and plan contingencies with her partner knowing that the men you were planning to engage in a traffic stop were identified as drug traffickers; and/or,

b. failing to select a safe location to conduct a traffic stop that minimized the public's exposure to police activity and decreased deputy personnel's exposure to other hazards; and/or,

c. failing to properly recognize and assess the threat represented by the suspects in the vehicle, or lack thereof, when conducting a traffic stop of two men who were identified as drug traffickers; and/or,

d. failing to use tactical options which could have limited or minimized the potential for deputy created jeopardy.

RECOMMENDATIONS:

Based on the totality of the circumstances, the EFRC recommended Deputy Amber Smith #[redacted] receive **no discipline**. The EFRC also recommended Deputy Smith attend the eight-hour Tactics and Survival training (TAS-I).

Additionally, the EFRC recommended the unit commander, Captain Eddie Rivero, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. The debriefing is to include the issue of "wall" traffic stops and the importance of having a supervisor present during the pre-planning of the stop.

Lastly, the EFRC recommended the Field Operations Support Services staff update the existing Field Operations Directive #02-01 to ensure a supervisor be present during the pre-planning stage of a "wall" traffic stop.

BDD:JER:jer

Table of Contents- Continued

IAB # SH2319638

MISCELLANEOUS DOCUMENTS

Table of Contents

IAB # SH2319638

INTERNAL AFFAIRS BUREAU
- Audio/Video Tracking Sheet -

IAB SH2319638

Investigator(s) Name:	Sergeant Brenda Gibson
Total number of DVD=s:	0
Total number of compact discs:	5
Total number of digital audio files:	12

DIGITAL AUDIO FILES

Job Number	Name
37303	Deputy Amber Smith's Homicide Bureau Interview
37129	Deputy Clayton Stelter's Homicide Bureau Interview
37130	Detective Jorge Padilla's Homicide Bureau Interview
38215	Deputy Amber Smith's Internal Affairs Bureau Interview
38216	Deputy Clayton Stelter's Internal Affairs Bureau Interview
38214	Detective Jorge Padilla's Internal Affairs Bureau Interview
38392	Detective [redacted] nternal Affairs Bureau Interview
38393	Detective [redacted] nternal Affairs Bureau Interview
37131	Suspect Juan Carlos Perales Alamo
37132	Suspect Juan Carlos Perales Alamo's Re-interview
37133	Suspect Ramon Flores
37134	Suspect Ramon Flores' Re-interview

COMPACT DISCS / DIGITAL VERSITILE DISCS

Exhibit	Contents
E	Compact Discs depicting crime lab photographs of the Scene, Homicide Bureau Investigators' photographs of Suspect Alamo, Deputies Smith and Stelter, Witnesses [redacted] and [redacted] radio transmissions, Homicide Investigators' Interviews and IAB Interviews

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 03-29-2013	Bureau/Station/Facility: South Patrol/ Carson Station	Admin. Invest.? ☐	Hit? ☑

Incident Information

URN: 012-09190-1699-145	Date: 08-29-2012	Time: 1733 hours
City or Station: Long Beach	Nature of Incident: A deputy involved shooting occurred during a traffic stop in which the suspects failed to follow orders and appeared to be reaching for a weapon.	
Location: Southbound Santa Fe Avenue at Anaheim Street		

Location Type (check one or more):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☐ Residence
- ☐ Rural
- ☐ School
- ☑ Street
- Other:

Lighting (checkonly one):
- ☐ Darkness
- ☑ Daylight
- ☐ Other
- ☐ Street Lights

Weather (circle only one):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance:

Incident Type (checkone or more):
- ☐ Accidental
- ☐ Armed Person
- ☐ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☑ Traffic Stop
- ☑ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (checkonly one):
- ☐ Arrest Warrant
- ☐ Call
- ☐ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☑ Two Person Unit

Prior Activity (checkonly one):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
Eight	None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (checkonly one)
[redacted]	Padilla	Jorge		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	[redacted]	[redacted]	[redacted]	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Sauter	Chad	A.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Pascual	Romeo	S.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Escamillas	Arthur	

PSTD Use Only
SH #

Officer Involved Shooting

URN: 012-09190-1699-145

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
August 29, 2012	1910 hours	10/17/13	

Employee #	Last Name	First Name	M.I.
[redacted]	Kusch	Roderick	A.
[redacted]	Parker	Brenda	
[redacted]	Haynes	Laura	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S #1	E #1	UC						
E #1	S #1	FH	BR	9	Y	Y	GS	CH
E #1	S #1	FH	BR	9	Y	Y	GS	CH
E #1	S #1	FH	BR	9	Y	Y	GS	LE
S #2	E #2	UC						
E #2	S #2	FH	BR	9	Y	Y	NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 012-09190-1699-145

Involved Employee

E 1

Employee # [redacted]	Last Name: Smith		First Name: Amber	M.I.: M.
Sex: F Race: White	Rank: Deputy Sheriff	Unit Assignment: Carson Station	Work Assignment (Unit #, Module, etc.): North Community Oriented Policing Team	
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A	
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case #: N/A	Interviewed? ☑
Hrs of sleep prior to shooting: 7 to 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:	
Age: [redacted] Height: 504	Weight: 140			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm	# Shots: 3	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name: Stelter		First Name: Clayton	M.I.: C.
Sex: M Race: White	Rank: Deputy Sheriff	Unit Assignment: Carson Station	Work Assignment (Unit #, Module, etc.): North Community Oriented Policing Team	
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A	
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case #: N/A	Interviewed? ☑
Hrs of sleep prior to shooting: Unknown	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:	
Age: [redacted] Height: 602	Weight: 250			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm	# Shots: 5	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I. [redacted]

E

Employee #	Last Name		First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:	
Age: Height:	Weight:			
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:	Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 012-09190-1699-145

Suspect Information

S 1

Last Name: Alamo-Perales		First Name: Juan	M.I. C.
AKA Last Name: Alamo		First Name: Juan Carlos	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 28 D.O.B. 03-26-84	Height: 506 Weight: 160	FBI #: [redacted]	CII #: [redacted]
Booking # 3283653	Primary Charge: 148(a)(1) P.C.	Secondary Charge: 28001.1(a)(1) CVC; 12500(a) CVC; 2806 CVC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Ford		Model: Ranger	Year: 2000

S 2

Last Name: Flores		First Name: Ramon	M.I.
AKA Last Name: Flores Moran		First Name: Ramon	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 26 D.O.B. 03-16-86	Height: 506 Weight: 140	FBI #: [redacted]	CII #: [redacted]
Booking # 3282713	Primary Charge: 12500(a) CVC Warrant	Secondary Charge: 148(a)(1) P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Ford		Model: Ranger	Year: 2000

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Padilla	Jorge		11515 South Colima Road, Room D115, Whittier, California	90604	562-946-7125	310-415-6131
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	On Duty Hit Shooting
IAB FILE NUMBER(S):	SH2319638
URN#:	012-09190-1699-145
DATE /TIME:	08-29-2012, Wednesday, 1733 hours
LOCATION:	Southbound Santa Fe Avenue at Anaheim Street Long Beach
INVOLVED PERSONEL:	Deputy Amber Smith #[redacted] Deputy Clayton Stelter #[redacted]
SUSPECT(S):	Juan Carlos Perales Alamo MH/28 Ramon Flores MH/26

OPENING STATEMENT

On Wednesday, August 29, 2012, Internal Affairs Bureau investigators Sergeant Brenda Parker, Laura Haynes and Lieutenant Roderick Kusch responded to a command post established by Carson Station personnel regarding a Deputy Involved Hit Shooting. Investigators learned that Community Oriented Policing team Deputies Amber Smith and Clayton Stelter were involved in a hit shooting while conducting a "wall" traffic stop.

> IAB Note: On occasion patrol personnel may be requested to assist LASD detective units or other law enforcement agencies in non-tactical vehicle stops known as "wall" stops. The assisting unit must have reasonable suspicion to stop the vehicle. Probable cause is not necessary. See **Exhibit G**.

SYNOPSIS

Narcotics Detective Jorge Padilla and fellow Narcotics Investigators set up an undercover surveillance of the area of Anaheim Street/ Santa Fe Avenue in Long Beach in search of two male Hispanic suspects headed to the area to sell a pound of methamphetamine to a Confidential Reliable Informant (CRI). The suspects were in a black Ford Ranger pickup truck with lawn mowers and other gardening supplies in the bed of the truck.

Once Detective Padilla located the suspects in the area, he contacted the watch commander at Carson Station and requested assistance in conducting a "wall" traffic stop. Deputies Smith and Stelter, assigned to the Community Oriented Policing Team, responded to assist. Deputy Smith was driving a black and white Sheriff's patrol car and Deputy Stelter was the passenger.

Detective Padilla met the deputies in the vicinity and briefed them about the investigation. During the briefing, fellow Narcotics Investigators advised Detective Padilla that the suspect was conducting counter surveillance movements. He ended the briefing and looked for the suspect.

Detective Padilla and Deputies Smith and Stelter saw the suspect travelling southbound on Santa Fe Avenue in the number two lane approaching Anaheim Street. Deputies Smith and Stelter pulled behind the vehicle and prepared to conduct a traffic stop for an Unsecured Load, 24002 CVC. Detective Padilla was travelling northbound on Santa Fe Avenue at the time and continued northbound to eastbound on Cowles Street and out of view.

The signal light at the corner of Anaheim Street/ Santa Fe Avenue was red. The suspect stopped at the light and Deputy Smith stopped the patrol car behind the suspect's vehicle. Deputy Smith activated the overhead lights and air horn while Deputy Stelter instructed the driver suspect to pull the vehicle over to the right via the vehicle's public address (PA) system. The suspect immediately turned the vehicle to the left, partially entering the number one lane thus boxing himself in between the car in front of him and the radio car behind.

IAB Note: The distance between the front bumper of the patrol car and the rear bumper of the suspect's vehicle was five feet. See **Exhibit B**, Los Angeles County Sheriff's Department Scientific Services Bureau's Revised Sketch of the scene.

Based on the suspects' actions, Deputies Smith and Stelter believed they were going to flee the scene. Therefore, they exited the patrol car and approached the suspects' vehicle with their weapons drawn. Deputy Smith approached on the driver's side and Deputy Stelter on the passenger's side. Deputy Smith pointed her gun at driver Suspect Alamo and ordered him at least three times to put his hands up on the steering wheel, but he would not comply. Deputy Stelter pointed his gun at passenger Suspect Flores and ordered him at least twice to put his hands up on the dashboard, but he would not comply.

Deputy Stelter could not see the driver or passenger suspects' hands. He backed up slightly at an angle to prevent a crossfire situation. Deputy Smith could not see Suspect Alamo's right hand after he dropped it down out of her view and attempted to exit the vehicle by opening the door with his left hand. Believing that Suspect Alamo was arming himself and about to shoot her, Deputy Smith fired three rounds from her

weapon striking the suspect twice; once in his left upper chest and once in his right inner thigh. Deputy Stelter believing that Suspect Flores was shooting at Deputy Smith, fired five rounds from his duty weapon at Suspect Flores striking the suspects' vehicle as he retreated to the radio car for cover. Deputy Smith also retreated to the radio car for cover. She then put out emergency traffic over the radio advising that they were involved in a shooting. Both suspects exited the vehicle.

IAB Note: A review of the radio traffic revealed that Deputy Smith requested assistance regarding an officer involved shooting over the main frequency (Dispatch 9) at 1733 hours. In addition, she advised that one suspect was injured and requested fire personnel to respond. She also advised that no deputies were injured. See **Exhibit E**, compact disc of radio transmissions.

Narcotics Detectives [redacted] and Padilla arrived at the scene within seconds. Detective [redacted] took a position next to and slightly behind Deputy Smith on the driver's side of the radio car. Detective Padilla took a position next to and slightly behind Deputy Stelter on the passenger side of the radio car. Deputies Smith and Stelter ordered the suspects to get their hands up, but they did not comply.

Detective Padilla ordered the suspects, in Spanish, to lay down on the ground, face down with their hands out. The suspects did not comply. Detective Padilla ordered them to comply again, but this time his commands were more aggressive. Passenger Suspect Flores complied, but Driver Suspect Alamo did not at first. Detective Padilla had to order Suspect Alamo to get down again before he actually got down on the ground onto his stomach.

Once both suspects were face down on the ground, Deputy Stelter approached Suspect Flores, handcuffed him and escorted him to the radio car. Deputy Smith and Detective [redacted] approached Suspect Alamo. Deputy Smith handcuffed Suspect Alamo while Detective [redacted] covered the suspect at gunpoint. Deputy Stelter approached and rendered aide to Suspect Alamo until paramedics arrived.

Long Beach City Fire Department, Rescue 13, Engine 3, under the direction of Captain Wechsunj, responded to the scene. Paramedics checked and cleared Suspect Flores who was not injured. In addition, they transported Suspect Alamo to Saint Mary's Medical Center for treatment. Deputy Glenn Nakasaki rode in the ambulance while Deputy [redacted] followed. Suspect Alamo was seen and treated by emergency room physicians, Doctors Murray and Joyner, who listed his condition as stable. Deputies Smith and Stelter were not injured.

Suspect Alamo was subsequently issued a citation for Obstructing a Peace Officer, 148(a) (1) P.C.; Evading, 2800.1(a)(1) CVC; Unlicensed Driver, 12500(a) CVC; and Unsecured Truck Load, 24002 CVC.

Suspect Flores was transported to Carson Station and booked on a misdemeanor warrant for Unlicensed Driver, 12500(a) CVC. He was also issued a citation for Obstructing a Peace Officer, 148(a) (1) P.C.

Internal Affairs Bureau Lieutenant Roderick Kusch was notified, and along with Sergeants Brenda Parker and Laura Haynes, responded to the location to conduct an administrative review of the incident. The following review is based on written documentation and interviews of witnesses and involved deputies.

> **IAB Note:** Homicide Bureau's complete case book is included in this case book. See **Exhibit A**.

DISTRICT ATTORNEY'S LETTER OF OPINION

The District Attorney concluded that Deputies Smith and Stelter were placed in reasonable fear of imminent danger or great bodily injury by Suspects Alamo and Ramon Flores' actions and the deputies acted lawfully in self-defense when they used deadly force.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

Deputy Amber Smith #[redacted]
South Patrol Division
Carson Station

Date of Employment:	02-13-2006
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Date Assigned to Station:	
Prior Shooting Incident(s):	
Prior Founded Force:	



Deputy Clayton Stelter #[redacted]
South Patrol Division
Carson Station

Date of Employment:	04-03-2006
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Date Assigned to Station:	
Prior Shooting Incident(s):	
Prior Founded Force:	



SUSPECT(S) INFORMATON

Juan Carlos Perales Alamo, Citation #Y738969
MH/28, DOB: 03/26/1984, 506, 160lbs.
[redacted]

Suspect Alamo was issued a citation for Resisting or Obstructing A Peace Officer, 148(a) (1) P.C.; Evading, 2800.1(a) CVC; and Unlicensed Driver, 12500(a) CVC. A check of the Consolidated Criminal History System did [redacted] See **Exhibit C**.

Ramon Flores, Booking #3282715
MH/26, DOB: 03/16/1986, 506, 140lbs.
[redacted]

Suspect Flores was booked on a misdemeanor arrest warrant for Unlicensed Driver, 12500(a) CVC. He was then issued Citation #Z091705 for Obstructing a Peace Officer, 148(a) (1) P.C. A check of the Consolidated Criminal History System revealed that [redacted] See **Exhibit C**.

EMPLOYEE WITNESSES

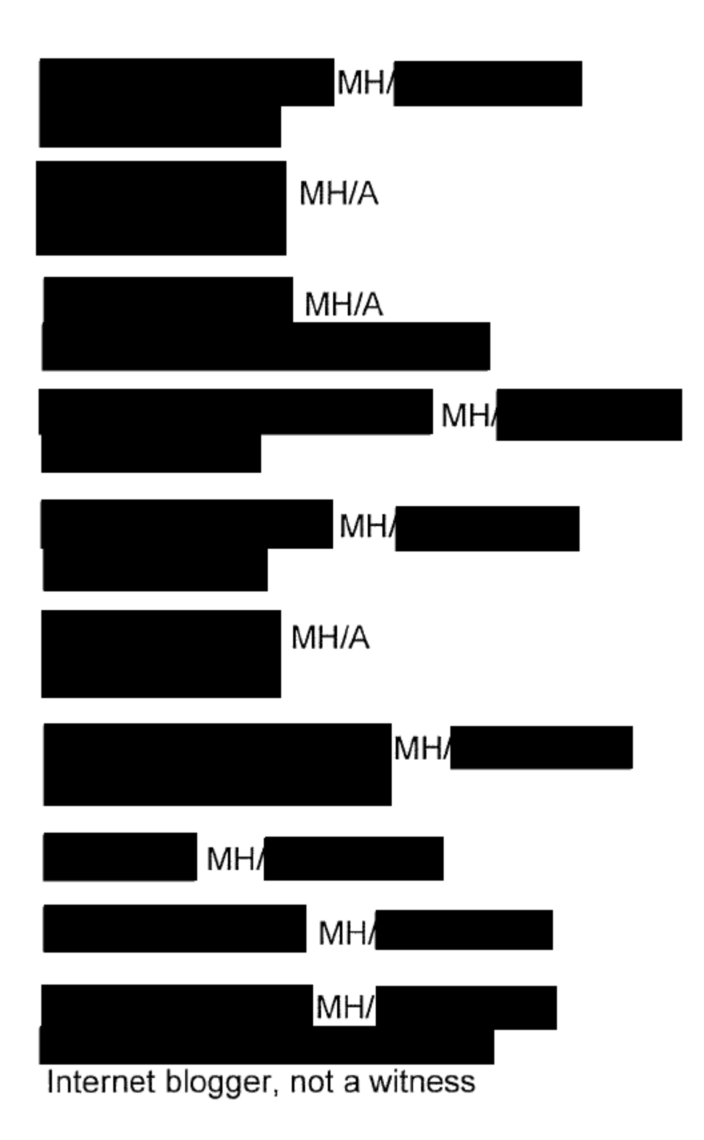
Detective Jorge Padilla #[redacted]
Detective Division
Narcotics Bureau

Detective [redacted] #[redacted]
[redacted]

Detective [redacted] #[redacted]
[redacted]

NON EMPLOYEE WITNESSES

The below listed witnesses were interviewed by Homicide Investigators who provided only birthdates and telephone numbers for most of them. A few individuals stated they heard gunshots, but none actually witnessed the shooting. Refer to **Exhibit A**, Homicide Book, pages 42-47 for the below witnesses' interview statements.



[redacted] MH/[redacted]

[redacted] MH/A

[redacted] MH/A [redacted]

[redacted] MH/[redacted]

[redacted] MH/[redacted]

[redacted] MH/A

[redacted] MH/[redacted]

[redacted] MH/[redacted]

[redacted] MH/[redacted]

[redacted] MH/[redacted]
Internet blogger, not a witness

INJURIES

No deputies were injured during this incident.

Suspect Alamo, the driver, sustained two gunshot wounds; one to his left upper chest and one to his right inner thigh. Long Beach City Fire Department, Rescue 13, Engine

3, under the direction of Captain Wechsunj, transported Suspect Alamo to Saint Mary's Medical Center for treatment.

> **IAB Note:** Homicide investigators took photographs of Suspect Alamo at the hospital, but they did not take photographs of his actual injuries, see **Exhibit D**. No medical documentation was obtained or provided by Homicide investigators.

Suspect Ramon Flores, the passenger, was checked and cleared at the scene by Long Beach City Fire personnel. He was not injured.

PHYSICAL EVIDENCE

Scientific Services Bureau personnel collected several items of evidence (refer to **Exhibit A**, Homicide Book, pages 62-71) and Los Angeles County Sheriff's Department Scientific Services Bureau's Revised Sketch of the scene (**Exhibit B**).

LIGHTING AND WEATHER CONDITIONS

The incident occurred on a clear evening at 1733 hours. It was still daylight.

DISTANCE

Deputy Smith was approximately three feet away from Suspect Alamo when she fired her weapon. Deputy Stelter was approximately ten feet away from Suspect Flores when he fired his weapon.

INVESTIGATORS' OBSERVATIONS

Internal Affairs Bureau Sergeants Brenda Parker and Laura Haynes arrived at the scene (Santa Fe Avenue at Anaheim Street, Long Beach) at 1910 hours. They saw a black Ford Ranger pick-up truck with California License Plate Number [redacted] stopped facing southeast in between the number one and two lanes of southbound Santa Fe Avenue. They also saw a Sheriff's black and white radio car (SH0725) with California License Plate Number 1353749 stopped at a southeasterly angle, just north and slightly west of the suspects' truck. Both front doors of the radio car were open and the overhead rotating lights were activated. Both doors of the suspects' truck were closed. They saw several expended shell casings on the street surrounding the driver and passenger sides of the truck. In addition, they saw several apparent bullet strikes to the suspects' truck.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Smith:

Service Weapon Type:	Beretta 92FS, 9mm Semi-Automatic, bearing Serial Number BER[redacted]
Rounds Fired:	Three
Type of Ammunition Used:	WIN 9mm Luger caliber
Date Employee Last Qualified:	[redacted]

IAB Note: An examination of Deputy Smith's firearm indicated she shot a total of three rounds. See **Exhibit A, (**Homicide Book, page 31**,** paragraph 3). Several expended, 9mm casings were recovered at the scene. The Test Fire Exam Report of Deputy Smith's firearm is included in this case book. See **Exhibit F**.

Deputy Smith's Firearms Training Record and Qualification Record are also included. See **Miscellaneous Documents**.

Deputy Stelter:

Service Weapon Type:	Beretta 92FS, 9mm Semi-Automatic, bearing Serial Number BER[redacted]
Rounds Fired:	Five
Type of Ammunition Used:	WIN 9mm Luger caliber
Date Employee Last Qualified:	[redacted]

IAB Note: An examination of Deputy Stelter's firearm indicated he shot a total of five rounds. See **Exhibit A** (Homicide Book, page 33**,** paragraph 3). Several expended, 9mm casings were recovered at the scene. The Test Fire Exam Report of Deputy Stelter's firearm is included in this case book. **See Exhibit F**. In addition, Deputy Stelter's Firearms Training Record, and Qualification Record are also included. See **Miscellaneous Documents**.

WEAPONS USED BY SUSPECTS

None

PROPERTY DAMAGE

Several bullet holes were noted on the black 2000 Ford Ranger with California License Plate Number [redacted] The vehicle was parked south and slightly eastbound on Santa Fe Avenue just north of the intersection at Anaheim Street in Long Beach. For a detailed location of the bullet holes, refer to **Exhibit A, Page 65.**

CRIMINAL INVESTIGATOR(S)/CHARGES FILED

Investigators: Detectives Ralph Hernandez #[redacted] and Kevin Lowe #[redacted] assigned to Homicide Bureau

Charges: Suspect Alamo was charged with Unlicensed Driver, 12500(a) CVC and sentenced to Summary Probation from April 22, 2013, to April 21, 2014. See **Exhibit C**.

Suspect Flores was charged with Disturbing the Peace, 415(2) P.C. and sentenced to Summary Probation from April 22, 2013, to April 21, 2014. See **Exhibit C**.

INVOLVED EMPLOYEE STATEMENTS

The following is a summary of the recorded interviews of the involved employee statements to Internal Affairs Bureau investigators. For additional information refer to the attached verbatim transcripts included with this case under Transcribed Interviews.

Deputy Amber Smith was interviewed by **Internal Affairs Bureau Sergeants**, Brenda Gibson and Brenda Parker, on July 23, 2013, at 1401 hours. She was represented by Attorney Deborah Wadleigh from Green and Shinee Law Firm. The interview was digitally, audio recorded.

Deputy Smith's statement and description of the incident during this interview was essentially the same as she provided to Homicide detectives. She then answered questions relative to tactics and training.

Deputy Smith said she was working unit 160B2 with Deputy Clayton Stelter. According to her, they had been working together since April of 2012. She said she was wearing her Class B uniform with a Sam Brown gun belt and vest. She said it was light outside, the weather was fairly clear and it was very warm. She said Detective Jorge Padilla contacted Deputy Stelter by telephone asking them to conduct a wall stop. Deputy Smith described a wall stop as a pretext stop from an investigation where you had to form your own probable cause to stop the vehicle. She said she remembered getting approval from her supervisor, Sergeant Chad Sauter, to conduct the wall stop prior to meeting with Detective Padilla for the briefing. Deputy Smith said they met Detective Padilla at the intersection of Anaheim and Santa Fe on the south side just south of Anaheim. She said they did a car to car short briefing about the vehicle he wanted her to stop. Deputy Smith said Detective Padilla also told them what frequency they were on before he left.

Deputy Smith said her probable cause to stop the vehicle was the unsafe load of lawn mowers in the bed of the truck that were unsecured and moving up and down. She said she was originally going to stop the vehicle after they passed the red signal light at Santa Fe and Anaheim, but didn't because the driver kept nervously looking at her through the side view mirror. She said he was getting really nervous and looked like he was leaning down and reaching underneath the driver's seat. She believed he was reaching for a weapon or something. Deputy Smith said she communicated to Deputy Stelter that she believed the suspects knew they were going to be stopped and that's why she decided to conduct the traffic stop at that moment. In addition, Deputy Smith said that before she activated her lights to pull over the vehicle, she made sure it is clear for the driver to pull to the right.

Deputy Smith said after she activated the emergency lights and air horn, the driver pulled to the left even though he was instructed to pull right by Deputy Stelter over the PA system. She said this maneuver was a disadvantageous to the suspects' vehicle because they were now boxed in by surrounding cars. Deputy Smith said she felt it was not safe to wait for the light since it hadn't changed yet and she thought the suspects were going to exit the vehicle shooting at them. She said Deputy Stelter believed the

suspects were going to exit the vehicle and run. She said she wanted to get the suspects detained so that nobody would be in danger. She said she and Deputy Stelter exited the vehicle and advanced towards the suspects' vehicle. She said she ran to the vehicle as fast as she could because she didn't want to give the suspects a chance to exit the vehicle and possibly come out shooting. She explained that there was traffic at the time and she did not want anyone to get hurt.

Deputy Smith said she was standing next to the middle of the driver's side door of the suspects' vehicle when she immediately yelled at the driver, in English, to put his hands up. She said he understood because he started bringing his hands up. She said the left hand was coming up, but there was some resistance with the right hand. She said he was moving very slowly as though he was testing her. Deputy Smith said she ordered the driver to put his hands on the steering wheel. She said he immediately dropped his right hand down to his right side out of her view and she believed he was reaching for a weapon.

Deputy Smith said the driver was looking right into her eyes the entire time. She said she ordered him to get his hands on the steering wheel a few times, but he just stared at her with a look of conviction. Deputy Smith said the driver then grabbed the door handle with his left hand and pushed the door out towards her as he reached down with his right hand. She said she thought he was going to shoot her therefore she fired at him three times aiming center mass. She said she was within about three feet of him during the shooting. She said her first two shots were closer in succession than the third one. She said the driver kept coming out of the car at her and she still could not see his right hand. Deputy Smith said she saw the third shot pierce through the driver's chest on the left side and she believed that was what made him stop coming towards her. She said at that point the driver grabbed his chest with his right hand. She was not sure if her first shot struck the driver, but said the second shot may have struck his abdominal area.

Deputy Smith said she heard Deputy Stelter giving the passenger commands and it sounded like the passenger was not being compliant either. She also said she heard a shot coming from the passenger side of the vehicle after she fired the first shot. Deputy Smith said that she did not have a crossfire concern because she was confident that she would hit her target based on the close proximity at the time of the shooting and the fact that she was certain that Deputy Stelter was offset from where she stood. Deputy Smith said she retreated to the patrol vehicle for cover after she saw Deputy Stelter running back to the patrol vehicle. She explained that she did not know what was happening on the passenger's side or if an additional threat was posed. In addition, she said she did not cover the driver as she turned and ran back to the patrol vehicle because she did not want to risk falling by running backwards. She said she then reassessed behind the driver's side door, faced the suspect's vehicle and covered the driver with her weapon.

Deputy Smith said she put out emergency traffic over Dispatch 9 advising they were involved in a shooting and needed paramedics to respond. She said she advised that a

suspect was hit and requested additional units. Deputy Smith said she saw that the undercover units were there, but did not know how long they had been there. She said a detective came up on her side of the car to assist as she held the suspects' vehicle at gun point. She also said Detective Padilla was on the other side of the car with Deputy Stelter.

Deputy Smith said both Deputy Stelter and Detective Padilla gave the suspects orders in English and Spanish, but neither followed instructions. She said it took a while, but both suspects eventually exited the vehicle and once the passenger was secured, she moved up to secure the driver. She said a narcotics detective moved up with her and they both had their weapons out. She said Detective Padilla gave the driver commands in Spanish. Deputy Smith said she handcuffed the driver although he was being very resistive with his right hand. Deputy Smith said she stated to the driver, "I told you not to move" and his response was, "I know." She said she reported her force to their team sergeant, Sergeant Sauter, who responded to the scene.

> **IAB Note**: Homicide investigators summarized their interview of Deputy Smith in a Supplemental Report included in this case book. See **Exhibit A**, **Pages 29-31**. A compact disc, containing the audio recording of Deputy Smith's interview is also included in this case book. See **Exhibit E**.

Deputy Clayton Stelter was interviewed by **Internal Affairs Bureau Sergeants**, Brenda Gibson and Brenda Parker, on July 23, 2013, at 1401 hours. He was represented by Attorney Deborah Wadleigh from Green and Shinee Law Firm. The interview was digitally, audio recorded.

Deputy Stelter's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives. He then answered questions relative to tactics and training.

Deputy Stelter said he was working 160B2 with Deputy Amber Smith. He said they had been working together for about four months. He was the passenger and she was the driver. He said it was hot and warm, but still light outside. He said Detective Padilla asked them to conduct a wall stop. He described a wall stop as a pretext stop wherein they needed to develop their own probable cause to stop the vehicle. He said he did not know what supervisor approved the wall stop. Deputy Stelter said his state of mind before the shooting was at a heightened risk level because it was a narcotics suspect with a large amount of narcotics which meant that the narcotics would probably be protected by firearms.

Deputy Stelter said the only communication he had with Deputy Smith prior to exiting the vehicle was about the suspects possibly running. However, he said he thought they were going to fight or shoot them therefore he wanted to advance on them to gain control to avoid a vehicle or foot pursuit. Deputy Stelter said he took his weapon out and pointed it towards the passenger of the suspects' vehicle as he approached. He

said he had cover once he backed up behind the "B post" of the suspects' vehicle which was two to three feet back from the passenger door. He described a B post on a truck as being behind the cab. He said he could still see his partner and the passenger which put him at a tactical advantage since the passenger side window was rolled down. He said he was not in a cross fire situation and his shooting backdrop was the engine block of the suspects' vehicle. Deputy Stelter said he did not recall if the vehicle in front of the suspects' vehicle had left prior to the shooting.

Deputy Stelter said they gave the suspects verbal commands. He said the passenger was somewhat compliant and put his hands on the dashboard, but then looked at Deputy Smith as he turned towards her causing him to lose sight of his hands. Deputy Stelter said he thought the passenger was reaching for a weapon and fired his pistol at him. He said he was approximately ten feet away from the passenger at the time. Furthermore, he said in his mind this was a deadly force situation and he did not consider other force options. He said the passenger was still seated in the vehicle when he fired the first round however the passenger ducked down on the floorboard afterwards.

Deputy Stelter said he did not realize he fired five times until after the shooting. At the time he thought he only fired twice. He said he did not reassess after each shot because it was rapid. He said he saw the first bullet strike the B post of the vehicle and he believed he fired after Deputy Smith fired because he thought the initial gunfire was from the passenger shooting at Deputy Smith. Deputy Stelter said he was in fear of his life and his partner's life that's why he fired his pistol. He said he turned away from the suspects' vehicle and ran to cover towards the patrol vehicle while looking over his right shoulder at the suspects' vehicle. Deputy Stelter said he and Deputy Smith were in patrol school together and that's how they were trained to run back to cover. In addition, he said he didn't request assistance over dispatch because Deputy Smith was just faster at doing so than he was. He said he reported his use of force to Sergeant Sauter.

IAB Note: Homicide investigators summarized their interview of Deputy Stelter in a Supplemental Report included in this case book. See **Exhibit A, Pages 31-33**. A compact disc containing the audio recording of Deputy Stelter's interview is also included in this case book. See **Exhibit E**.

EMPLOYEE WITNESSES

Detective Jorge Padilla was interviewed by **Internal Affairs Bureau Sergeants**, Brenda Gibson and Brenda Parker, on July 23, 2013, at 1051 hours. He was represented by Attorney Deborah Wadleigh from Green and Shinee Law Firm. The interview was digitally, audio recorded.

Detective Padilla's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives. He then answered questions relative to tactics and training.

Detective Padilla said he was working the Narcotics Strike Team of Narcotics Bureau and had been doing so for approximately three years. On the date of this incident, he said he was working a plain clothes operation regarding a narcotics purchase. He said the lighting was perfect and it was daytime. He said he made all the proper notifications and requested a tactical frequency through the Sheriff's Communications Center (SCC) for the operation. In addition, he said he notified LA Clear of the area the operation was in. Detective Padilla said he notified his immediate supervisor, Sergeant [redacted] his lieutenant and the watch commander of Carson Station about this operation. He said he did not recall who his lieutenant was at the time nor did he recall who the watch commander at Carson Station was, but that the watch commander approved the wall stop.

IAB Note: According to the Carson Station PM shift In-Service Dated Wednesday, August 29, 2012, A. Escamillas was the watch commander. See **Miscellaneous Documents**. Lieutenant Arthur Escamillas confirmed he spoke to Detective Padilla about this operation.

Detective Padilla described a wall stop as a wall between the suspect and the detectives conducting the operation. He said they were legal to do and they did them all the time. He said they would receive information from informants then start investigations based on the information. He further explained that once they received enough information that led them to believe the person was engaging in the sale, distribution or transportation of narcotics, they would begin their investigation and notify a patrol unit to conduct the wall stop. Detective Padilla said his biggest thing as the investigating detective was that the patrol deputies conducting the wall stop understood that they had to formulate their own probable cause to stop and or search the vehicle. In addition, he said he gave them instructions that if they had no probable cause, the car was permitted to leave and they would not stop it.

IAB Note: Field Operations Directive 02-01 entitled ***Assisting LASD Detective Units or Other Law Enforcement Agencies in Tactical and Non-Tactical Operations*** states that reasonable suspicion must exist prior to stopping the vehicle See **Exhibit G, Page 4, Number 2**).

Detective Padilla said they created an operations plan and had a briefing with the team and sergeant to advise what they had. He said he received information from his Confidential Reliable Informant (CRI) that a male Hispanic wanted to sell him one pound of methamphetamine. Detective Padilla said a pound of methamphetamine usually costs from six to ten thousand dollars depending on the area and purity of the drugs. He said the plan was to conduct surveillance in the Long Beach area where the suspect

and his CRI decided to meet. He said as he drove to the location, he received information that the suspects were in a black truck with lawn mower equipment in the back.

Detective Padilla said he and his sergeant met up with his CRI and he heard him on the phone talking to the suspect. He said when the telephone conversation ended, his CRI said, "He just told me that he's got one pound with him right now and that's what we're negotiating." Detective Padilla said they set up surveillance and tried to make sure the suspects did not identify them. He said they normally had a patrol unit assigned to them to conduct their wall stops, but that unit was in the Temple area and not readily available. Since the operation was evolving quickly, he said he contacted Carson Station for an experienced two deputy car.

Detective Padilla said he met with Deputies Smith and Stelter south of Anaheim on Santa Fe. He said he advised them of the operation and went over the wall stop with them. In addition, he said he told them what radio frequency they were using. Furthermore, he said as he monitored the frequency, he heard his team talking about the suspect moving from one block to the other, but staying in the immediate area. He said he and his team believed the suspect was doing counter surveillance on them. He explained counter surveillance as trying to identify either police officers or enemy drug dealers trying to rip them off. Detective Padilla said he assumed Deputies Smith and Stelter also heard the radio traffic. He said he told them to stay where they were until he gave the approval to conduct the wall stop.

Detective Padilla said he drove north of where he briefed the deputies and heard over the radio that the suspect vehicle was going southbound on Santa Fe towards Anaheim. He said he saw the patrol car travelling northbound and thought great they were monitoring the radio. He added that it was very important that they all had communication. He also said he told the deputies in advance what three undercover cars were going to be in the area close to them in the event something happened. He said they always provided security for the deputies when they conducted their traffic stops.

Detective Padilla said after he heard there had been a deputy involved shooting over the radio he immediately went back to the area of occurrence. He said he saw the black and white patrol car with the doors opened and the deputies standing near their respective door. He said he positioned his vehicle with takedown lights, next to and slightly behind the patrol car. He explained that he activated his police lights because he was dressed in undercover plain clothes and wanted everyone to know that he was a police officer in an undercover vehicle.

IAB Note: Detective Padilla drew the position of where he parked his vehicle on the original copy of the Los Angeles County Sheriff's Department Scientific Services Bureau's Sketch of the scene. In addition, he drew the letter "x" to indicate his

position as well as Narcotics Investigators, Deputies Smith and Stelter and both suspects. **See Exhibit H**.

Detective Padilla said he stood behind Deputy Stelter on the passenger side of the patrol car with his pistol out. He said Deputies Smith and Stelter were in full control of the traffic stop because they were screaming out orders to the suspects. He said he did not remember what they were saying, but they were in a good position. He said he stood back and provided security because of what he was wearing. He said he was not wearing a protective vest, but he had his badge exposed around his neck hanging from a black shoe lace tie down on his chest. Detective Padilla said he saw one suspect standing by the bed of the truck and the other suspect standing next to the open driver's door. He said both suspects were facing him and the deputies kind of sideways. He explained that the passenger's body was twisted a little bit facing east and the driver was facing northwest. Detective Padilla said the deputies screamed orders, but the suspects would not cooperate. Detective Padilla said he figured there was a language barrier and since Spanish was his first language and he was fluent in it, he tried to assist. He said he taught Spanish and knew professional and slang Spanish.

Detective Padilla said he moved up slightly just a little bit in front of Deputy Stelter where he could still see him and told him he had it. He said he then screamed out orders in Spanish to the passenger suspect because he was closer and he wanted to get rid of that problem first. In addition, he said Deputy Smith was at the driver's side door of the radio car and two detectives were behind her. Detective Padilla said he was aggressive, firm and professional with his orders at first, but the suspect would not comply. He said he ordered him in Spanish and in English. He said he then cursed at him aggressively and said, "Get the fuck down on your stomach!" In addition, he said he motioned like he was going towards the suspect to show that he meant business, but didn't actually do it because he didn't want to be in a crossfire situation. However, Detective Padilla said the suspect was hesitant, but started going down. He said he went down on one knee as he looked to the east, west and at them. He then said he complied and went down on his stomach after several commands. Detective Padilla said he advised personnel there that they were going up to handcuff the suspect. He said Deputy Stelter handcuffed the suspect and took him back to the radio car. After he was secured, Detective Padilla said he gave orders to the driver suspect in Spanish.

Detective Padilla said once he began giving orders to the driver suspect he realized he had been shot and thought he was probably in shock. He said he continued giving the suspect orders and finally he went down on one knee before going completely down. Detective Padilla said he approached the suspect along with Deputy Smith and Detectives [redacted] and [redacted] and the suspect was handcuffed.

IAB Note: Homicide investigators summarized their interview of Detective Padilla in a Supplemental Report included in this case book. See **Exhibit A**, **Pages 26-28**. A compact disc containing the audio recording of Detective Padilla's interview is also included in this case book. See **Exhibit E**.

Detective [redacted] was interviewed by **Internal Affairs Bureau Sergeants**, Brenda Gibson and Brenda Parker, on August 7, 2013, at 1411 hours. He was represented by Attorney Deborah Wadleigh from Green and Shinee Law Firm. The interview was digitally, audio recorded.

Detective [redacted] said he had been assigned to Narcotics Bureau for a little over six years at the time of this incident. He said his uniform of the day was jeans, a T-shirt and tennis shoes and he drove a Chevy Equinox. He described a wall stop as a traffic stop conducted by patrol units based on an investigation. He further explained that the deputies had to provide their own probable cause to stop the vehicle and that the purpose of the stop was to make it look like a random traffic stop. Detective [redacted] described counter surveillance as being done by any violators looking for law enforcement or other criminals looking to rob or assault them. He said it was not something solely done by law enforcement. Detective [redacted] said Sergeant [redacted] approved the wall stop and he did not know who the watch commander was at Carson Station during this incident.

Detective [redacted] said he first saw the suspect vehicle traveling westbound on 14th Street approaching Santa Fe. He was travelling behind the vehicle. He said the black Ford Ranger made a southbound turn on Santa Fe and by the time he reached Santa Fe, he saw the patrol car pulling behind the black Ford Ranger. He said he continued south on Santa Fe to approximately 150 feet before where they were stopped at the signal. He said he saw the light bar activated on the patrol car and he heard a couple of air horn activations. Detective [redacted] said he made a right turn into a side alley on the west side of Santa Fe. As he made his turn, he said he heard loud yells coming from the direction of the patrol car. He said he heard, "Let me see your hands!" "Let me see your hands!" followed by several rapid gunshots. He further stated he turned back to see where the noise was coming from and saw the deputies backtracking towards their patrol car. He explained that he had a better view of the passenger deputy, but they both moved quickly. He said within a second or two he exited his vehicle and saw the patrol deputies behind their respective doors with their guns out watching the black Ford Ranger.

Detective [redacted] said he parked his vehicle 70 to 80 feet away from the patrol car. He said he approached the driver's side of the patrol car with his gun out and told the female deputy (Smith) he was there. He said his partners showed up afterwards. He said he had cover behind Deputy Smith who was behind the doorframe. He explained that he was quite a bit taller than her therefore he had a clear vantage point of the truck. He said he had his pistol pointed at the driver's area of the suspects' truck. He said the weather was clear, the traffic was light and he was not in a cross fire situation. Detective [redacted] explained that he assisted the deputies in their detention by covering the vehicle and by covering the driver suspect at gunpoint while Deputy Smith handcuffed him. Detective [redacted] also explained that there was a machete and a tree trimming saw inside the cab of the truck, but no firearms recovered.

IAB Note: A compact disc containing the audio recording of Detective [redacted] interview with Internal Affairs Bureau Sergeants is also included in this case book. See **Exhibit E**. In addition, Detective [redacted] marked an asterisk, to indicate the location he parked his vehicle, on the original copy of the Los Angeles County Sheriff's Department Scientific Services Bureau's Sketch of the scene. See **Exhibit I**.

Detective [redacted] was interviewed by **Internal Affairs Bureau Sergeants**, Brenda Gibson and Brenda Parker, on August 7, 2013, at 1432 hours. He was represented by Attorney Deborah Wadleigh from Green and Shinee Law Firm. The interview was digitally, audio recorded.

Detective [redacted] said he had been assigned to Narcotics Bureau for less than four years. He said his uniform of the day at the time of this incident was plainclothes, he was driving a Ford F-150 and it was a sunny day. He described a wall stop as having preliminary information that an individual in a vehicle is involved in some kind of criminal activity and believing there might be evidence in the vehicle, the information is related to assisting patrol units. He further explained that it is the patrol unit's responsibility to gather the probable cause to stop the vehicle thus helping them conduct their investigation. Detective [redacted] said counter surveillance was when a suspect believed he was being watched by police officers or rival gang or narcotics groups then conducts surveillance on the individuals watching them. Detective [redacted] said his supervisor [redacted] approved the wall stop and he did not know who the watch commander at Carson Station was at the time.

Detective [redacted] said he saw the suspects' vehicle parked on 15th Street and he parked a few blocks away behind them to observe their movements. He said they made a U-turn and drove to his position, looked in his direction and parked right across the street from him. He said they then contacted a male that was walking down the sidewalk, looked over at him again then drove off out of view. Detective [redacted] said he drove around and saw the suspects' vehicle again. He believed they were circling the area utilizing the counter surveillance method. He said they drove southbound on Santa Fe towards Anaheim as he drove northbound on Santa Fe from Anaheim. He said he saw the deputies activate their overhead red light as they passed him to conduct the traffic stop of the pick-up truck.

Detective [redacted] said he drove past the deputies about five blocks away and made a U-turn to position his vehicle in order to observe the traffic stop from a distance. He explained that he did not want to compromise their confidential source by having the suspects see his (Detective [redacted] vehicle throughout the surveillance. He said he heard the gunshots as he positioned his vehicle along the curb. He said he then heard Detective [redacted] state over the radio that a "998" had just occurred. Detective [redacted] said he drove to the position of the traffic stop and exited his vehicle to assist the deputies. He said as he walked up and took a position between both vehicles he saw the passenger suspect standing outside the vehicle, but then he lay down on the

ground. Detective [redacted] said he assisted the deputies by covering the suspects at gunpoint. He also said he was not in a cross fire situation.

IAB Note: A compact disc containing the audio recording of Detective [redacted] interview with Internal Affairs Bureau Sergeants is included in this case book. See **Exhibit E**. In addition, Detective [redacted] marked an asterisk, to indicate the location he parked his vehicle, on the original copy of the Los Angeles County Sheriff's Department Scientific Services Bureau's Sketch of the scene. See **Exhibit I**.

SUSPECTS' STATEMENTS

Suspect Juan Carlos Perales Alamo was first interviewed by **Homicide Bureau Investigators** Ralph Hernandez and Kevin Lowe on August 30, 2012, at approximately 0217 hours. The interview took place at Saint Mary's Hospital in Long Beach and was recorded. Investigator Hernandez spoke with Suspect Alamo in Spanish after he waived his Miranda rights. Suspect Alamo said he was a gardener and was always willing to help others. He said an unknown male called him on his cell phone and asked him to go and help him pick up some "windows." He assumed someone he knew gave the man his phone number. Suspect Alamo said Suspect Flores knew about this and agreed to go with him. He said they went to 15th Street and Harbor Avenue and waited for the man for almost an hour. When the man arrived, Suspect Alamo said the man needed them to go with him to pick up the "windows." Suspect Alamo said he was suspicious because he did not recognize the man. In addition, he said he realized the term "windows" meant Crystal Methamphetamine and he was not comfortable with the situation therefore they left the area.

Suspect Alamo said as he drove southbound on Santa Fe Avenue, he saw the Sheriff's patrol car drive northbound past them then made a U-turn and pulled behind them. He said he was stopped at the red light at Anaheim Street in the number two lane. He said the patrol car had its emergency lights on from the time it made the U-turn and when it pulled behind them. Suspect Alamo said he heard something being said over the PA system, but could not make it out. He said he believed the deputies had an emergency and was trying to pass them on the right. Furthermore, he said he knew he was supposed to pull to the right, but didn't because he thought the deputies were going right. Suspect Alamo said he then maneuvered his truck to the left as he looked back behind him. He said he collided with the car in front of him which was in the number one lane. He described the collision as being low impact.

Suspect Alamo said the deputies exited their patrol car then a female deputy walked up on his side of the truck yelling at him. He said he understood that she was telling him to put his hands up, but he did not understand what else she was saying. He said he looked directly at her as he raised and lowered his hands and that he never put them on the steering wheel. He further stated he opened the door with his left hand and began getting out of the truck because he thought the deputy told him to get out. In addition,

Suspect Alamo did not recall what he was doing with his right hand as he was exiting the vehicle, but he said the deputy shot at him striking him twice. He said he remained in the truck briefly, but then exited. Suspect Alamo said the deputies were again yelling at him then a bald deputy arrived and told him to get down on the ground in Spanish. In addition, he said one of the deputies yelled in English for them not to shoot. Suspect Alamo said it took him some time to get on the ground, but he did. Suspect Alamo added that he was from Zacatecas, Mexico, but had been in the United States for more than ten years and understood some English.

Suspect Juan Carlos Perales Alamo was re-interviewed by **Homicide Bureau Investigators** Ralph Hernandez and Kevin Lowe on August 30, 2012, at approximately 0410 hours. Investigator Hernandez spoke with him in Spanish and the interview was recorded. Suspect Alamo admitted he and Suspect Flores went to the area to assist an unknown male with obtaining some methamphetamine. He further admitted that once they arrived and met the man, he saw vehicles he believed were undercover "narcos" (Narcotics detectives). He described two of the vehicles and both actually matched the descriptions of the vehicles used by the Narcotics Investigators. Suspect Alamo said he left the area because he figured if he remained there and got further involved in the drug transaction he would end up in jail. In addition, Suspect Alamo said he had spoken to Suspect Flores about selling drugs, but that he was only joking with him. He said Suspect Flores was the one that figured out that the "windows" the unknown man spoke about was methamphetamine. As far as the counter surveillance moves, Suspect Alamo said he moved around from street to street because he was looking for the unknown man.

IAB Note: Homicide investigators summarized both interviews of Suspect Alamo in a Supplemental Report included in this case book. See **Exhibit A**, **Pages 35-37 and 38-39**. A compact disc containing the audio recordings of Suspect Alamo's interviews are also included in this case book. See **Exhibit E**.

Suspect Ramon Moran Flores was first interviewed by **Homicide Bureau Investigators** Ralph Hernandez and Kevin Lowe on August 29, 2012, at approximately 1925 hours. Investigator Hernandez spoke with Suspect Flores in Spanish. The interview was recorded. Suspect Flores said he and Suspect Alamo were gardeners who worked for [redacted] He said Suspect Alamo received a telephone call from a client who wanted his lawn trimmed and they were on their way to that client's house when they were stopped by deputies. He said the deputies pulled behind them and turned on their emergency lights, but for some reason, Suspect Alamo pulled to the left. Suspect Flores said their path was blocked by two other vehicles and they struck the vehicle in front of them. He said the deputies then approached their vehicle and ordered them out of the truck. He said as he was going to comply, the deputies began shooting at them. He said one of the rounds struck the rear window behind him. In addition, Suspect Flores said Suspect Alamo's hands were on the steering wheel during the shooting. He said after the shooting stopped, he put his hands out of the window.

He said the deputies ordered him out of the truck and he complied. Suspect Flores said he was then detained, but there were no drugs or weapons in the truck.

Suspect Ramon Moran Flores was re-interviewed on August 30, 2012, at approximately 0328 hours by **Homicide Bureau Investigators** Ralph Hernandez and Kevin Lowe. Investigator Hernandez spoke with him in Spanish. During this interview, Suspect Flores admitted that Suspect Alamo went to the area to help an unknown male obtain some methamphetamine. Suspect Flores said he had never seen the man before, but Suspect Alamo told him he was suspicious of the man. He said Suspect Alamo told him he had seen some undercover police vehicles in the area. Suspect Flores said he and Suspect Alamo then left the area. He said when the deputies pulled behind them, Suspect Alamo appeared very nervous. He said he asked him why he was so nervous and he responded nothing three times in Spanish. He said Suspect Alamo then declared the unknown man probably had something to do with the police presence and that he was probably a police officer himself.

Suspect Flores said he told Suspect Alamo to stop the vehicle since they were blocked in by other vehicles. He also said that right before the shooting began, he had his hands out the window resting on the door. Suspect Flores admitted that he was not sure where Suspect Alamo's hands were at the time of the shooting. He said he turned towards Suspect Alamo with his hands up a little then the shooting began. However, after the shooting ceased, he said he saw Suspect Alamo put his hands on the steering wheel. In addition, Suspect Flores said Suspect Alamo told him he deals drugs and that he would make a lot of money one day. Suspect Flores also said he was offered the opportunity to assist Suspect Alamo in selling drugs, but declined his offer. On the other hand, he said he agreed to go with Suspect Alamo during this drug transaction, but was not supposed to get paid for his help.

IAB Note: Homicide investigators summarized both interviews of Suspect Flores in a Supplemental Report included in this case book. See **Exhibit A**, **Pages 34-35 and 37-38**. A compact disc containing the audio recordings of Suspect Flores' interviews are also included in this case book. See **Exhibit E**.

IAB Note: It is unknown whether or not the suspects were involved in a minor traffic collision with the vehicle in front of them because assisting units were unable to locate that vehicle.

MISCELLANEOUS

IAB Lieutenant Roderick Kusch checked to see that the watch commander took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among them or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved parties and witness personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Kusch

checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they had provided a statement to the assigned investigators.

IAB Note: Lieutenant Arthur Escamillas was the watch commander during this shooting incident, however, he did not respond to the scene because he was at the scene of another shooting which occurred at the same time involving Major Crimes Bureau. Lieutenant Scott Gage responded to this incident.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

April 11, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 12-0561
L.A.S.D. File # 012-09190-1699-145

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 29, 2012, non-fatal shooting of Juan Carlos Alamo-Perales by Los Angeles County Sheriff's (LASD) Deputies Amber Smith and Clayton Stelter. We have concluded that Deputies Smith and Stelter acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on August 29, 2012, at approximately 6:35 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator Tanya Newton, responded and was given a briefing and walk-through of the scene by LASD Lieutenant John Corina.

The following analysis is based upon reports and photographs submitted to this office by Detective Ralph Hernandez from the LASD's Homicide Bureau. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On August 29, 2012, at approximately 5:30 p.m., Deputies Amber Smith and Clayton Stelter were working in a marked black and white LASD vehicle. Smith and Stelter were wearing standard LASD uniforms. They responded to the area of Anaheim Street and Santa Fe Avenue at the request of LASD narcotic detectives. Upon arrival, Detective Jorge Padilla told Smith and Stelter that two men in a black Ford Ranger truck with lawn mowers in the bed were possibly in

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possession of one pound of methamphetamine.[1] Detective Padilla advised the deputies that he wanted them to stop the truck using their own probable cause.[2]

Deputies Smith and Stelter waited in their vehicle until they were advised that the truck was headed westbound on 14th Street. Smith and Stelter began driving northbound on Santa Fe and saw the truck traveling southbound. The deputies made a U-turn and pulled in behind the truck at the intersection of Anaheim Street and Santa Fe Avenue.

Both deputies noted that the lawn mowers in the bed of the truck were unsecured in violation of Vehicle Code section 24002(a), unsafe load, and conducted a traffic stop for the violation. While stopped behind the truck at a red light, Smith saw the driver of the truck, later identified as Juan Carlos Alamo-Perales, glancing back at her. Smith turned on the overhead emergency lights and activated the air horn.

Alamo immediately drove the truck to the left and hit another vehicle stopped at the red light. Alamo, now boxed in, continued to watch the deputies in his side view mirror. Stelter told Smith that he believed that the occupants in the truck were going to run. Both deputies exited their car and approached the truck on foot.

As the deputies approached, Smith ordered Alamo to place his hands on the steering wheel. Alamo raised his hands to his chest, but did not place them on the steering wheel. Deputy Smith again ordered him to place his hands on the steering wheel, stating that if Alamo did not comply, she would shoot him. Alamo again raised his hands, but dropped his right hand out of Smith's view. Smith repeated the order. Alamo stared directly at Smith. Smith believed that Alamo was "sizing her up" and planning his next move. Alamo dropped his left hand to open the driver's door and dropped his right hand as if reaching for a gun. Smith, believing that Alamo was "going to come out shooting at me right now," fired her duty weapon three times at Alamo, wounding him.

At the same time, Stelter approached on the passenger side of the vehicle. Stelter observed the passenger, later identified as Ramon Flores, switching his attention from Smith to Stelter. Based upon the pitch of Smith's voice, Stelter believed that Smith saw a threat.[3] Flores quickly turned back toward Smith with his hands out of Stelter's view. Stelter, believing that Flores was going to shoot Smith, made the decision to fire his weapon. At that same time, Stelter heard gunfire, which he mistakenly believed was Alamo or Flores firing at his partner. Stelter fired his pistol five times.[4] Both deputies retreated to their car for cover and requested assistance.

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[1] Smith believed that drug dealers possessing one pound of methamphetamine were possibly armed with a firearm although Padilla did not directly address this subject.

[2] Detective Padilla and other undercover narcotics detectives were in the area to monitor the purchase of one pound of methamphetamine by a confidential reliable informant (CRI). Prior to the purchase, the detectives became aware that the occupants of the Ford Ranger were engaging in counter surveillance activity. Detective Padilla made the decision to stop the vehicle because he believed the occupants were aware of LASD's presence.

[3] Stelter was positioned further away from the vehicle in order to avoid a potential cross-fire situation with Smith. From his vantage point, he could not see the driver clearly.

[4] Flores was not hit.

The deputies continued to order Alamo and Flores to show their hands. Ultimately, both Alamo and Flores exited the car with their hands in the air and were handcuffed with the assistance of additional responding deputies. Paramedics arrived and transported Alamo to St. Mary's Medical Center for treatment for gunshot wounds to the chest and thigh. Alamo survived his injuries. Flores was not injured.

Investigators interviewed Flores.[5] Flores initially said that he and Alamo were gardeners on their way to cut a client's grass. The deputies pulled in behind their car and attempted to make a traffic stop. Alamo pulled to the left, colliding with another car. The deputies ordered them to exit their car. As Flores was complying, the deputies began shooting at them.

Flores was reinterviewed hours later. Flores admitted that he and Alamo were helping another man obtain methamphetamine. Alamo spoke with the man, who told Alamo that he had seen some undercover police vehicles in the area. As they were leaving, the deputies pulled in behind them. Alamo got very nervous. Right before the shooting, Flores had his hands out of the window, resting on the door. Flores turned to Alamo and raised his hands as if to say "now what?" At that point, the deputies fired at them. Flores said that Alamo admitted to him that he deals drugs.

Investigators interviewed Alamo.[6] Alamo initially said that some unknown man called him and asked him to help pick up some windows.[7] Alamo said that he was always willing to help others, so he agreed. He and Flores went to 15th Street and Harbor Avenue and met the man. Ultimately, Alamo became suspicious and realized that "windows" actually meant crystal methamphetamine. Alamo was uncomfortable with the situation, so he and Flores left the area. As he was leaving, the deputies pulled in behind him. Alamo believed that the deputies were responding to an emergency, so he pulled to the left to allow them to pass. As he did so, he collided with another car. Alamo heard the deputy order him to put his hands up, but did not understand what else she was saying. Alamo looked directly at the deputy and raised and lowered his hands. Believing that the deputy was telling him to exit the car, he opened the door and began to get out of his car. At this time, the deputy shot him.

Alamo was reinterviewed several hours later. Alamo explained that he and Flores went to the area in order to help another man purchase methamphetamine. When they arrived, Alamo saw some vehicles which he believed were undercover narcotics detectives.[8] Based upon this information, Alamo decided to leave the area. Alamo admitted telling Flores that he sold drugs, but said that he was only joking.

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[5] Flores was interviewed in Spanish.
[6] Alamo told the detectives that he understands some English, but preferred to be interviewed in Spanish.
[7] "Windows" is street vernacular for methamphetamine. Detectives who were monitoring the phone calls of the CRI who provided the information specifically heard the CRI use the term "windows" to indicate methamphetamine.
[8] Alamo provided a description of two of these cars which matches the description of two of the undercover vehicles used by the narcotics investigators.

K-9 Detective Mark Stephens and his K-9 Vinnie searched the truck. Vinnie alerted to the area under the driver's seat. However, investigators did not find narcotics or a firearm in the truck.

Based upon his actions in this case, Alamo was charged with misdemeanor violations of Penal Code section 148(a), resisting arrest, Vehicle Code section 2800.1(a), evading a peace officer and Vehicle Code section 12500, unlicensed driver. Flores was charged with one count of resisting arrest, in violation of Penal Code section 148(a). The case is currently set for pretrial on April 22, 2013.

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505. If the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM No. 3470. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation indicates that Deputies Smith and Stelter attempted to conduct a traffic stop on individuals believed by them to be methamphetamine traffickers. The deputies pulled in behind the truck and activated the overhead lights and air horn. In an attempt to avoid arrest, Alamo tried to flee and collided with another car. The deputies exited their car and approached on foot. Deputy Smith repeatedly ordered the driver, Alamo, to place his hands on the steering wheel. Alamo did not comply and attempted to open the door while simultaneously dropping his right hand out of Smith's view. Believing that Alamo was both exiting the car and arming himself, Smith fired her service weapon at Alamo, wounding him. At the same time, Deputy Stelter watched Flores turn quickly toward Smith. Believing that Smith's tone of voice indicated a threat and forced to make a split second judgment, Stelter also fired his weapon.

We conclude that Deputies Amber Smith and Clayton Stelter were placed in reasonable fear of imminent danger of death or great bodily injury by Juan Carlos Alamo-Perales and Ramon Flores' actions and acted lawfully in self-defense when they used deadly force. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By Amy Pentz

AMY PELLMAN PENTZ
Deputy District Attorney
(213) 974-3888

c: Deputy Amber Smith #[redacted]
Deputy Clayton Stelter #[redacted]